

MINUTES
WEST VIRGINIA UNIVERSITY AT PARKERSBURG
BOARD OF GOVERNORS
November 19, 2013

A regular meeting of the West Virginia University at Parkersburg Board of Governors was held on Wednesday, November 19, 2013 in the College Theatre at the WVU Parkersburg campus beginning at 5:15 p.m. Board members present were: Joe Campbell, Jamie Six, Violet Mosser, Curtis Miller, Jeff Matheny, Sam Winans, Cheryl Donohoe, Gerard El Chaar, Matthew Santer and Tyler Ohrn. Others present included Dr. Marie Foster Gnage and Brady Whipkey.

Guests present included administrators, faculty, and staff.

1. Call to Order

Mr. El Chaar, Chair of the WVU at Parkersburg Board of Governors, called the meeting to order.

2. Roll Call

Roll Call was taken by Brady Whipkey, Executive Assistant to the President, noting that a quorum was present.

3. Board Chair Report

Chairman El Chaar thanked members for attending the meeting and for also attending the Board Retreat. Chair El Chaar felt that the retreat was very fruitful and beneficial.

Next, Chairman El Chaar recognized Bob Cooper and Chuck Murray for all they do for the campus and presented Board Award.

4. President's Report

President Gnage commended Bob Cooper and Chuck Murray for all they have done.

President Gnage reported on being able to attend the Learning 2013 conference. The conference focused on establishing professional development training for businesses that could be applied towards college credits.

President Gnage also reported on working hand in hand with Workforce Investment Board; and the need to apply for grants collaborating and cooperating.

President Gnage reminded members that Commencement will be held on December 13, 2013 at 7:00 p.m. Reminders will be sent out to the Board.

President Gnage discussed Governor Earl Ray Tomlin's announcement of the cracker plant and reminded members of the 2014 NLS Summit meeting in February.

5. Approval of Minutes

The minutes of the Regular Board meeting of October 9, 2013, were approved upon a motion by Mr. Winans and second by Mr. Campbell. Motion passed.

6. Committee Reports

- Executive Committee:
Chair El Chaar reported that the Executive Committee met and discussed land and property acquisition.
- Audit Review Committee:
There will be an Audit Review Committee meeting in December.
- Administrative Services Committee:
No meeting held.
- Academic and Student Services Committee:
No meeting held.
- Campus Development and Readiness Center Committee:
Mr. Campbell reported that there is a meeting scheduled with General Hoyer on December 16, 2013 to discuss the Readiness Center.

7. Executive Session under the authority of WV Code §6-9A-4-2A

Chairman El Chaar asked for a motion to move into Executive Session. Mr. Six moved to adjourn to Executive Session. Mr. Miller seconded the motion. The motion passed and the Board moved into Executive Session at approximately 5:34 p.m. The Board Chair requested that President Gnage join Executive Session. At approximately 6:12 p.m. Chairman El Chaar announced that the Board would return to the regular meeting. Mr. Miller moved to return to regular session. Mr. Santer seconded the motion. Motion passed.

Mr. Six moved approve the Honorary Degree Award as presented in Executive Session. Mr. Winans seconded the motion. Motion passed.

8. Action Items

- Request for Code Change Regarding Tuition:
President Gnage provided an overview of the Request for Code Change Regarding Tuition. After questions and discussion, Mr. Miller moved to approve the following resolution:

Resolved, that the WVU at Parkersburg Board of Governors will join other Community College Boards to officially request legislative amendment of W. Va. Code [§18B-10-1](#), **Enrollment, tuition and other fees at education institutions; refund of fees**, as reflected in Attachment A.

Mr. Campbell seconded the motion. Motion passed.

- Adjustment of Distributed Learning Fee:
Dr. Rhonda Tracy, Dean of Academic Affairs provided an overview of the proposed Adjustment of Distributed Learning Fee. After questions and discussion, Mr. Ohrn moved to approve the following resolution with an implementation date of the summer semester:

Resolved, that the West Virginia University at Parkersburg Board of Governors approves the Adjusted Distributed Learning Fee for WVU Parkersburg Courses.

Mr. Winans seconded the motion. Motion passed.

9. Consent Agenda

Mr. Six moved to approve the following Consent Agenda items:

Social Justice Policy

Resolved, That the West Virginia University at Parkersburg Board of Governors authorizes a notice of proposed rulemaking for adoption of Policy A-61, Social Justice, and hereby authorizes adoption of said policy without further action by the Board if no comments are received.

Mr. Miller seconded the motion. Motion passed.

10. Information Items

11. Board Comments/Announcements

Need to add Research Corporation to next Board of Governors meeting agenda.

12. Next Meeting

The next Board of Governors meeting will be held December 17, 2013 at the Downtown Center.

13. Adjournment

With no further business to be discussed, Chairman El Chaar moved that the meeting adjourn. Ms. Donohoe seconded the motion. Motion passed. The next meeting will be December 17, 2013.

Respectfully submitted,

Brady Whipkey
Executive Assistant to the President

Gerard El Chaar, Chairman

Cheryl Donohoe, Secretary

ATTACHMENT A
Proposed Code change highlighted in yellow.

§18B-10-1. Enrollment, tuition and other fees at education institutions; refund of fees.

(a) Each governing board shall fix tuition and other fees for each academic term for the different classes or categories of students enrolling at the state institution of higher education under its jurisdiction and may include among the tuition and fees any one or more of the following as defined in section one-b of this article:

- (1) Tuition and required educational and general fees;
- (2) Auxiliary and auxiliary capital fees; and
- (3) Required educational and general capital fees.

(b) A governing board may establish a single special revenue account for each of the following classifications of fees:

- (1) All tuition and required educational and general fees collected;
- (2) All auxiliary and auxiliary capital fees collected; and
- (3) All required educational and general capital fees collected to support existing systemwide and institutional debt service and future systemwide and institutional debt service, capital projects and campus renewal for educational and general facilities.
- (4) Subject to any covenants or restrictions imposed with respect to revenue bonds payable from the accounts, a governing board may expend funds from each special revenue account for any purpose for which funds were collected within that account regardless of the original purpose for which the funds were collected.

(c) The purposes for which tuition and fees may be expended include, but are not limited to, health services, student activities, recreational, athletic and extracurricular activities. Additionally, tuition and fees may be used to finance a students' attorney to perform legal services for students in civil matters at the institutions. The legal services are limited to those types of cases, programs or services approved by the president of the institution where the legal services are to be performed.

(d) By October 1, 2011, the commission and council each shall propose a rule for legislative approval in accordance with article three-a, chapter twenty-nine-a of this code to govern the fixing, collection and expenditure of tuition and other fees by the governing boards under their respective jurisdictions.

(e) The schedule of all tuition and fees, and any changes in the schedule, shall be entered in the minutes of the meeting of the appropriate governing board and the board shall file with the commission or council, or both, as appropriate, and the Legislative Auditor a certified copy of the schedule and changes.

(f) The governing boards shall establish the rates to be charged full-time students, as defined in section one-b~~c~~ of this article, who are enrolled during a regular academic term.

- (1) Undergraduate students taking fewer than twelve credit hours in a regular term shall have their fees reduced pro rata based upon one twelfth of the full-time rate per credit hour and graduate students taking fewer than nine credit hours in a regular term shall have their fees reduced pro rata based upon one ninth of the full-time rate per credit hour.
- (2) Fees for students enrolled in summer terms or other nontraditional time periods shall be prorated based upon the number of credit hours for which the student enrolls in accordance with this subsection.

(3) Community College students taking more than twelve credit hours in a regular term may be assessed an additional fee for each additional credit hour based upon the one twelfth calculation set out above.

(g) All fees are due and payable by the student upon enrollment and registration for classes except as provided in this subsection:

(1) The governing boards shall permit fee payments to be made in installments over the course of the academic term. All fees shall be paid prior to awarding course credit at the end of the academic term.

(2) The governing boards also shall authorize the acceptance of credit cards or other payment methods which may be generally available to students for the payment of fees. The governing boards may charge the students for the reasonable and customary charges incurred in accepting credit cards and other methods of payment.

(3) If a governing board determines that a student's finances are affected adversely by a legal work stoppage, it may allow the student an additional six months to pay the fees for any academic term. The governing board shall determine on a case-by-case basis whether the finances of a student are affected adversely.

(4) The commission and council jointly shall propose a rule in accordance with article three-a, chapter twenty-nine-a of this code defining conditions under which a governing board may offer tuition and fee deferred payment plans itself or through third parties.

(5) A governing board may charge interest or fees for any deferred or installment payment plans.

(h) In addition to the other fees provided in this section, each governing board may impose, collect and distribute a fee to be used to finance a nonprofit, student-controlled public interest research group if the students at the institution demonstrate support for the increased fee in a manner and method established by that institution's elected student government. The fee may not be used to finance litigation against the institution.

(i) Governing boards shall retain tuition and fee revenues not pledged for bonded indebtedness or other purposes in accordance with the tuition rules proposed by the commission and council pursuant to this section. The tuition rules shall address the following areas:

(1) Providing a basis for establishing nonresident tuition and fees;

(2) Allowing governing boards to charge different tuition and fees for different programs;

(3) Authorizing a governing board to propose to the commission, council or both, as appropriate, a mandatory auxiliary fee under the following conditions:

(A) The fee shall be approved by the commission, council or both, as appropriate, and either the students below the senior level at the institution or the Legislature before becoming effective;

(B) Increases may not exceed previous state subsidies by more than ten percent;

(C) The fee may be used only to replace existing state funds subsidizing auxiliary services such as athletics or bookstores;

(D) If the fee is approved, the amount of the state subsidy shall be reduced annually by the amount of money generated for the institution by the fees. All state subsidies for the auxiliary services shall cease five years from the date the mandatory auxiliary fee is implemented;

(E) The commission or council or both, as appropriate, shall certify to the Legislature annually by October 1 the amount of fees collected for each of the five years;

(4) Establishing methodology, where applicable, to ensure that, within the appropriate time period under the compact, community and technical college tuition rates for students in all community and technical colleges will be commensurate with the tuition and fees charged by their peer institutions.

(j) A penalty may not be imposed by the commission or council upon any governing board based upon the number of nonresidents who attend the institution unless the commission or council determines that admission of nonresidents to any institution or program of study within the institution is impeding unreasonably the ability of resident students to attend the institution or participate in the programs of

the institution. The governing boards shall report annually to the commission or council on the numbers of nonresidents and any other enrollment information the commission or council may request.

(k) Tuition and fee increases of the governing boards, including the governing boards of Marshall University and West Virginia University, are subject to rules adopted by the commission and council pursuant to this section and in accordance with article three-a, chapter twenty-nine-a of this code. The commission or council, as appropriate, shall examine individually each request from a governing board for an increase and make its determinations as follows:

(1) A tuition and fee increase greater than five percent for resident students proposed by a governing board requires the approval of the commission or council, as appropriate.

(2) A fee used solely for the purpose of complying with the athletic provisions of 20 U.S.C. 1681, *et seq.*, known as Title IX of the Education Amendment of 1972, is exempt from the limitations on fee increases set forth in this subsection for three years from the effective date of the section.

(3) In determining whether to approve or deny a governing board's request for a tuition and/or fee increase for resident students greater than the increases granted pursuant to subdivision (1) of this subsection, the commission or council shall determine the progress the governing board has made toward meeting the conditions outlined in this subsection and shall make this determination the predominate factor in its decision. The commission or council shall consider the degree to which each governing board has met the following conditions:

(A) Maximizes resources available through nonresident tuition and fee charges to the satisfaction of the commission or council;

(B) Consistently achieves the benchmarks established in the compact pursuant to article one-d of this chapter;

(C) Continuously pursues the statewide goals for post-secondary education and the statewide compact established in this chapter;

(D) Demonstrates to the satisfaction of the commission or council that an increase will be used to maintain high-quality programs at the institution;

(E) Demonstrates to the satisfaction of the commission or council that the governing board is making adequate progress toward achieving the goals for education established by the southern regional education board;

(F) Demonstrates to the satisfaction of the commission or council that the governing board has considered the average per capita income of West Virginia families and their ability to pay for any increases; and

(G) Demonstrates to the satisfaction of the commission or council that base appropriation increases have not kept pace with recognized nation-wide inflationary benchmarks;

(4) This section does not require equal increases among governing boards nor does it require any level of increase by a governing board.

(5) The commission and council shall report to the Legislative Oversight Commission on Education Accountability regarding the basis for approving or denying each request as determined using the criteria established in this subsection.